

**UNITED STATES DISTRICT COURT
DISTRICT OF MAINE**

GARY AURITT,)
)
)
PLAINTIFF)
)
)
v.) **CIVIL No. 2:18-cv-471-DBH**
)
SHANNON AURITT,)
)
)
DEFENDANT)

ORDER DISMISSING COUNTERCLAIM

On September 17, 2019, I issued a Second Order to Show Cause as to why I should not dismiss the new parties that Shannon Auritt named in her counterclaims for whom she has not provided proof of service. (ECF No. 91). She responded the next day, (ECF No. 92), stating that she asked the Cumberland County Sheriff's office for copies of the proof of service, and that she has been unable to get papers from that office. She also attached a series of text messages with someone unidentified but who is apparently someone in the Sheriff's office and attached a state court witness subpoena she has signed stating that she subpoenaed the "Cape Elizabeth Sheriff" by delivering a copy of the subpoena to him on September 18, 2019. I cannot determine from the text messages whether Shannon Auritt requested a sheriff's deputy to serve process for the counterclaims she asserted in her Answer of May 28, 2019 (ECF No. 61). The docket in this case does not show that she ever requested and obtained a federal summons from the Clerk of this Court for her counterclaims against new parties. I conclude therefore that she has not shown that she ever served the

new parties and that she has not adequately responded to the Order to Show Cause. I **DISMISS WITHOUT PREJUDICE** her counterclaims against the new parties. See Fed. R. Civ. P. 4(m). If Shannon Auritt shows that she did timely serve the new parties, she may seek relief under Fed. R. Civ. P. 4(l)(3).

So ORDERED.

DATED THIS 1ST DAY OF OCTOBER, 2019

/S/D. BROCK HORNBY

D. BROCK HORNBY

UNITED STATES DISTRICT JUDGE